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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/518,490

12/20/2004

Erich Litwing

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FOLEY AND LARDNER LLP  
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3000 K STREET NW  
WASHINGTON, DC 20007

EXAMINER

CORRIGAN, JOSEPH JAMES

ART UNIT

PAPER NUMBER

3709

MAIL DATE

DELIVERY MODE

08/08/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

ED

**Office Action Summary**

Application No.

10/518,490

Applicant(s)

LITWING ET AL.

Examiner

joseph corrigan

Art Unit

3709

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --****Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date dec. 20, 2004.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

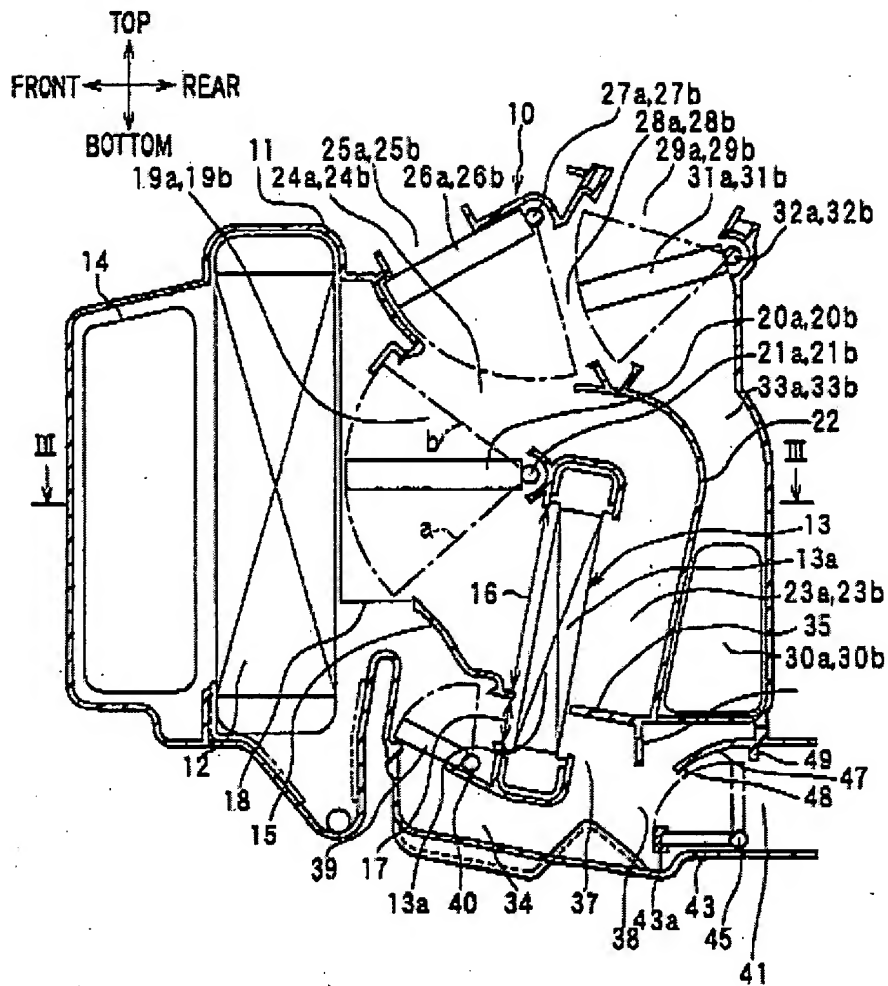
A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

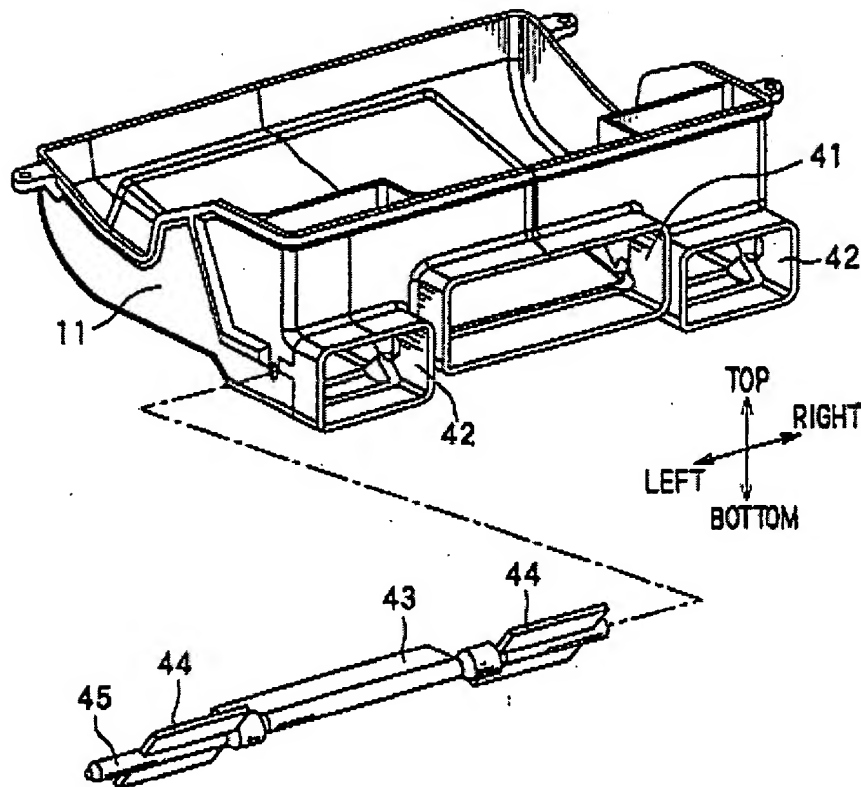
2. Claims 1-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Shindo '6,463,998'.

3. In re claim 1, Derleth et al '082 discloses a heating and/or air conditioning system for a motor vehicle, having a housing (10), the housing being composed of a plurality of housing segments (see figs. 1 and 5), characterized in that at least one housing segment is designed as an insert part (11, fig. 5), the insert part (11, fig. 5) being inserted into the remaining housing only after the remaining housing is installed in the motor vehicle, and the insert part (11, fig. 5) comprising at least one functional subassembly (43-45, fig. 5).

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**FIG. 1**

4. In re claim 2, Derleth et al '082 discloses invention above and further discloses that the functional subassembly (43-45, fig. 5) comprises at least one air-guiding means (41).

**FIG. 5**

3. In re claim 3, Derleth et al '082 discloses invention above and further discloses that the functional subassembly is a mixing module (24) for a rear region.

4. In re claim 4, Derleth et al '082 discloses invention above and further discloses that the functional subassembly (43-45, fig. 5) comprises a hot air supply (13) and/or a cold air supply (12).

5. In re claim 5, Derleth et al '082 discloses invention above and further discloses that the functional subassembly (43-45, fig. 5) comprises at least one mixing flap (44).

6. In re claim 6, Derleth et al '082 discloses invention above and further discloses that the functional subassembly comprises at least one drive (**REFERENCE A**) for the at least one mixing flap (44).

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**REFERENCE A** (column 4, lines 53-67)

*"The air mixing doors 20a, 20b for the front seats are integrally connected to rotary shafts 21a, 21b disposed in the horizontal direction (left-right direction of the vehicle) that rotate independently around the rotary shafts 21a, 21b. The air mixing doors 20a, 20b for the front seats serve as temperature adjusting means which independently adjust the temperature of air blown out to the driver's seat side and passenger's seat side by adjusting the above-mentioned air ratio. The rotary shafts 21a, 21b are supported by air conditioning case 11 so that they are free to rotate. One end of each rotary shaft 21a, 21b protrudes to the outside of air conditioning case 11 and is connected via a link mechanism (not shown) to the respective independent actuator mechanism using a servo-motor."*

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7. In re claim 7, Derleth et al '082 discloses invention above and further discloses that the insert part (11, fig. 5) is formed symmetrically with respect to a longitudinal axis (L).

8. In re claim 8, Derleth et al '082 discloses invention above and further discloses that the functional subassembly (43-45, fig. 5) is a mixing module (24) for a rear region.

9. In re claim 9, Derleth et al '082 discloses invention above and further discloses that the functional subassembly (43-45, fig. 5) comprises a hot air supply (13) and/or a cold air supply (12).

10. In re claim 10, Derleth et al '082 discloses invention above and further discloses that the functional subassembly (43-45, fig. 5) comprises a hot air supply (13) and/or a cold air supply (12).

11. In re claim 11, Derleth et al '082 discloses invention above and further discloses that the functional subassembly (43-45, fig. 5) comprises at least one mixing flap(44).

12. In re claim 12, Derleth et al '082 discloses invention above and further discloses that the functional subassembly (43-45, fig. 5) comprises at least one mixing flap (44):

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13. In re claim 13, Derleth et al '082 discloses invention above and further discloses that the functional subassembly (43-45, fig. 5) comprises at least one mixing flap (44).

14. In re claim 14, Derleth et al '082 discloses invention above and further discloses that the insert part (11, fig. 5) is formed symmetrically with respect to a longitudinal axis (L).

15. In re claim 15, Derleth et al '082 discloses invention above and further discloses that the insert part (11, fig. 5) is formed symmetrically with respect to a longitudinal axis (L).

16. In re claim 16, Derleth et al '082 discloses invention above and further discloses that the insert part (11, fig. 5) is formed symmetrically with respect to a longitudinal axis (L).

17. In re claim 16, Derleth et al '082 discloses invention above and further discloses that the insert part (11, fig. 5) is formed symmetrically with respect to a longitudinal axis (L).

18. In re claim 16, Derleth et al '082 discloses invention above and further discloses that the insert part (11, fig. 5) is formed symmetrically with respect to a longitudinal axis (L).



### **Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. **US 6,979,259** discloses an air-conditioner for a motor vehicle similar to invention herein. **US 6,482,082** discloses a heating and air-conditioning system for an automobile similar to invention herein. **US 6,463,998** discloses a vehicle air-conditioning system with a insert module, flap actuator and mixing flaps as featured in invention herein. **US 6,138,749** discloses an automotive air-conditioning system similar to invention herein. **US 5,950,711** discloses an air-conditioning unit for a motor vehicle similar to invention herein. **US 6,688,964** discloses a casing that encloses a plurality of ports and swinging and sliding doors to manage air flow in a motor vehicle

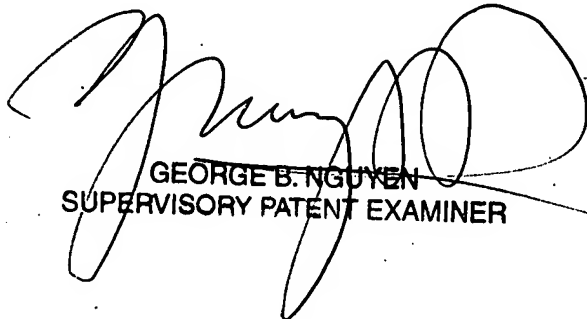
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph J. Corrigan whose telephone number is 571-270-3213. The examiner can normally be reached on m-f 7:30 - 17:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Nguyen can be reached on (571) 272-4491. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Joseph J Corrigan  
Examiner  
Art Unit 3744



GEORGE B. NGUYEN  
SUPERVISORY PATENT EXAMINER